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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-0237 MHP
)	
Plaintiff,)	
)	STIPULATION AND [PROPOSED] ORDER
v.)	DOCUMENTING EXCLUSION OF TIME
)	
DAVID NOSAL,)	
)	
Defendant.)	
)	

With the agreement of the parties on January 19, 2010, the Court enters this order documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from January 19, 2010, to February 16, 2010. The parties stipulate, and the Court finds and holds, as follows:

1. Counsel for the parties appeared before the Court on January 19, 2010. Counsel for the defendant, Steven F. Gruel, requested that the Court continue the trial date from February 9, 2010, to March 9, 2010, based on the fact that there were several undecided issues in the case

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(including whether there would be a government appeal and whether there would be a bench trial or jury trial) and that these undecided issues would require additional time for the defense to prepare for trial.

2. Based on these facts, the Court vacated the February 9, 2010, trial date, and set a new trial date of February 16, 2010.

3. Based on the facts set out above and on the record in open court, the parties agree, and the Court so finds, that taking into the account the public interest in the prompt disposition of criminal cases, granting a continuance of the trial until February 16, 2010, is necessary based on the need for effective preparation of defense counsel and that counsel for the defense needs the period from January 19, 2010, to February 16, 2010, to adequately prepare for trial. See 18 U.S.C. § 3161(h)(7)(B)(iv). Given these circumstances, the Court finds that the ends of justice served by excluding the period from January 19, 2010, to February 16, 2010, outweigh the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(7)(A).

4. Accordingly, the Court orders that the period from January 19, 2010, to February 16, 2010, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(7)(B)(iv).
SO STIPULATED.

DATED: January 25, 2010

SCOTT N. SCHOOLS
Associate Deputy Attorney General
Acting United States Attorney

/s/
KYLE F. WALDINGER
Assistant United States Attorney

DATED: January 25, 2010

/s/
STEVEN F. GRUEL
Attorney for the defendant David Nosal

IT IS SO ORDERED.

DATED: 1/26, 2010

MARILYN H. PATEL
United States District Judge

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